

RIVERS MANAGEMENT ADVISORY COMMITTEE

Meeting Minutes
November 21, 2005
NHDES, Concord, NH
Rooms 112/113
9:30 am – 12:30 pm

Members Present

Bob Beaurivage
Ken Kimball, Chair
Allan Palmer
Michele L. Tremblay, Vice Chair
Walter Morse

Representing

Public Water Suppliers
Recreational Interests
Business and Industry Association
Conservation Interests
NH Fish & Game Commission

Term

Sept. 28, 2007 V
Dec. 28, 2005 V
Sept. 28, 2007 V
Dec. 28, 2005 V
Sept. 28, 2006 V

Members Absent

Ben Frost
Deborah Hinman
Bill Ingham
George Lagassa
Johanna Lyons
Gail McWilliam
Jamie Robertson
Wesley Stinson
Ted Sutton

Office of Energy and Planning
NH Assn. Conservation Commissions
Fish & Game Department
Granite State Hydropower
Dept. Resources & Economic Development
Department of Agriculture
Agricultural Interests
Historical & Archaeological Interests
Municipal Government

Indefinite NV
Oct. 12, 2007 V
Indefinite NV
Jan. 5, 2006 V
Indefinite NV
Indefinite NV
March 22, 2006 V
June 15, 2007 V
Nov. 16, 2005 V

Guests Present

Mark Hemmerlein
Jared Teutsch

NH DOT
NH Lakes Association

DES Staff Present

Jacquie Colburn
Laura Weit
Paul Currier
Marie LosKamp

Lakes Coordinator, Watershed Mgmt. Bureau
Lakes and Rivers Asst. Planner
Administrator, Watershed Mgmt. Bureau
Exec. Secretary, Watershed Mgmt. Bureau

I. 9:30-9:45 am: Introductions and Acceptance of September 29, 2005 Minutes (Vote Required)

RMAC Chair, Ken Kimball, opened the meeting at 9:35 am. Introductions were made.

- **A motion was made by Michele Tremblay to accept the September 29, 2005 meeting minutes, seconded by Allan Palmer. The vote was unanimous to accept the minutes of September 29, 2005.**

II. 9:45-10:00 am: Committee Business – Jacquie Colburn

a. Rivers/Lakes Programs – Introduce Laura Weit, Asst. Planner

We are expecting Steve's return to NH by the holidays and his return to DES by Feb. 1.

Laura arrived last Monday and attended the LMAC meeting on Friday. Laura is excited to be here. She has a planning background in regional planning in both NH and VT, water quality experience in NH, and a Masters degree in Resource Management and Administration. Laura has lived in New England for the past 5 years and is originally from Rochester, NY.

b. New River nominations – Ammonoosuc nomination is being developed; the nomination will be presented by the Ammonoosuc River Corridor Committee.

The Ammonoosuc River Corridor Committee hired Ray Lobdell to compile the application. Ken suggested that the nomination be kept in mind when scheduling future RMAC meetings.

c. RMAC membership (status)

i. F&C Commission – Walter Morse; appointed by G&C

Ken welcomed Walter

ii. Granite State Hydropower – George Lagassa

- George Lagassa sent an email in April of 2005 expressing his desire to resign, his term expires in January. Michele stated that George believes he has resigned and he does not wish to continue.
- On Oct. 5th DES sent an email to George with a draft resignation letter and directions to send it to the Governor's Office.
- On November 15th DES sent a letter to Richard Norman, President of Granite State Hydropower informing him of George Lagassa's term expiring as of Jan. 5, 2006.
- On Nov. 17th DES received a call from the Governor's Office indicating that they had NOT received a letter of resignation from George Lagassa. In the meantime, GSHP nominated William Heinz to replace George Lagassa. It was pointed out that according to RSA 483:8 (e) a representative from the GSHA is chosen from a list of three nominees.

iii. Upcoming member re-appointments

▪ Recreational Interests- Ken Kimball

- On Oct 25th DES sent a letter to Kelly Short, President of the NH Rivers Council and Susan Arnold, Director of Conservation Programs with the Appalachian Mountain Club for three nominees to the RMAC for the Governor's consideration.

▪ Conservation Community- Michele Tremblay

- On Oct 25th DES sent a letter to Jane Difley, Executive Director of the Society for the Protection of NH Forests, David Houghton, President of the Audubon Society of NH, and Darrell Covell, Director of the NH Wildlife Federation for three nominees to the RMAC for the Governor's consideration.

▪ Municipal Officer- Ted Sutton

- On Oct 4th DES sent a letter to John Andrews, Executive Director of the NH Municipal Association for three nominees to the RMAC for the Governor's consideration. Ted's appointment expired on Nov. 16th.

III. 10:00-10:30 am: Update USGS Gages in NH – Paul Currier/Ken Kimball

a. Straw-man document – “A Strategy for Stream Gaging in NH: A NH Stream Gage Network”

Ken and Paul drafted two documents. The first outlines the issue while the second provides recommendations. The intent of the two documents is to recommend that the Commissioner convene a task force, in consultation with the legislative Water Resources Study Committee as established by SB 162, to: 1) enhance the *Strategy*, 2) prepare an action plan for a New Hampshire Stream Gage Network, and 3) provide recommended funding and administrative mechanisms.

Ken recalled that the discussion at the last meeting revolved around funding. The State of New Hampshire is losing stream gages due to lack of funding. The Committee discussed possible solutions.

Paul agreed to find out how the RMAC could be notified of upcoming SB 162 meetings.

The Committee agreed that this approach would yield far more attention than just sending out a letter.

The Committee also discussed edits to the documents, including titles, graphs, references to RSA 483, who is cc'ed, the process for moving forward, and the associated timeline.

- **Michele Tremblay – Motion to vote on the strategy as it stands, subject to the revisions that we discussed and agreed upon. The final copy will then be circulated to Committee members for final approval. Allan seconded the motion and the vote passed unanimously by those present.**

b. “Recommendations for Stream Gaging in NH”-

- **Michele Tremblay – Motion that pending the revisions and the information that we discussed and agreed on we send “*Recommendations for Stream Gaging in New Hampshire*” to the Commissioner as is stands. Allan seconded the motion and vote was unanimous by those present.**

Ken suggested that recommendations and strategy be sent to the Commissioner with a cover letter by December 15th.

Ken will draft the cover letter to the Commissioner

IV. 10:30-11:00 am: DES Draft Water Monitoring Strategy – Paul Currier

Paul presented the NH Water Monitoring Strategy, a plan for a statewide process to implement water data collection and management. The goal of the plan is to provide uniformity in purposes and methods for water quality data collection throughout the state and to make the data accessible and interoperable for use in data-driven public policy decision-making. In New Hampshire a water resources study committee has been established and is charged with developing a statewide plan for water resources management. At the national level, Paul is on the National Water Quality Monitoring Council, which is working on issues related to water quality data collection and interoperability nationwide.

Paul indicated that DES will coordinate with state agencies which collect water data, federal agencies, colleges and universities, and the volunteer monitors and watershed groups to build on data currently available through lakes and rivers monitoring programs.

Paul invited the RMAC to provide comments on the plan, which will be continually updated.

Paul presented the Monitoring Strategy using a PowerPoint presentation and the committee members received a portion of the Strategy document.

The web link to the entire document will be emailed to the committee members.

The Committee discussed the importance of quality assurance and quality control, the differences between precision and accuracy, and the inherent problems with data validity.

V. 11:00-11:45 am: Legislation/Rulemaking/Other**a. Legislation:****i. 2005 Session: HB 722 (SB 87) – Ken Kimball/Jared Teutsch, NH Lakes Assoc.**

HB 722, an offshoot of the earlier SB 87, proposes to revise RSA 483 relative to the spreading of biosolids in river corridors designated under the RMPP. HB 722 was amended by Representatives Essex and Merrick and voted out of a subcommittee of the Environment and Agriculture (E & A) Committee by a 4-3 vote. Earlier this month, the full E & A Committee approved the amended version, but then voted a split 9-9 on the full bill, which means it is headed to the full House for a “floor fight”.

ii. Comprehensive Shoreland Protection Act Commission, Rene Pelletier, Land Resources Management Program

Jacque updated the Committee on behalf of Rene Pelletier who was unable to attend. As a result of 2005 legislation, there is a study committee in place to review the Comprehensive Shoreland Protection Act. Catherine Nelson with the NH Rivers Council represents the rivers community on the committee. The committee submitted their first report to the legislature on November 1st; their final report is due November 30, 2006. The committee has focused on reviewing the statute and exploring noteworthy issues relative to the CSPA. The primary issues include: basal area and cutting that has occurred over the past 20 years. All meetings are open to the public. The committee is scheduled to meet on December 12, January 9, and February 13. Thereafter, meetings will be held on the second Monday of the month until June 2006.

Jared Teutsch, NH Lakes Association added that the committee won't be getting into the guts of the CSPA until January. There a total of 24 people on the committee. The current trend is to still have something in for vegetated areas. The committee is familiarizing themselves with the Maine Act, which uses a point system that establishes a certain number of points that can be removed in order to maintain a well distributed stand.

b. Rules:**i. Wetland Mitigation Rules – Lori Sommer, Wetlands Bureau**

Senate Bill 140 gives the Department the authority to collect payments in lieu of providing other forms of wetland mitigation. The bill arrived in the House in January. It was met with a lot of resistance, since the Wetland Mitigation Rules are not widely understood. The bill was retained in committee in April. Over the summer, DES gave several presentations and held discussions with committee members to increase awareness and understanding of the bill. In turn, the committee formed a subcommittee to work on the bill. In October, the subcommittee voted that the bill should be voted on at the committee level. The bill is scheduled to be heard by the full House in January. The bill still focuses on small projects, projects that disturb an acre or less, projects on rivers, and projects of major impact which are 200 linear feet. The bill sets up thresholds for DOT projects, long linear projects that may exceed an acre but are less than three acres.

Projects that are eligible pay into the fund. The fund is organized by watersheds. Each watershed would have its own fund. Once a fund reaches a certain amount, a site selection committee would determine how the money should be spent. The bill indicates who the representatives will be on the site selection committee, what agencies the committee's recommendations would be reviewed by, the process to authorize disbursements of funds, how payments would be calculated, and reporting requirements.

- **Ken – We would like to have a copy of the documents so this committee could take a look at it if it wanted to comment on the legislation.**

ii. Dam Rules (RSA 482 and 541) – Michele Tremblay

No updates.

iii. Site Specific Program Rules – Amy Clark, Site Specific Program

A Site Specific Permit is required when a project disturbs more than 100,000 square feet of earth, or 50,000 square feet if the project falls within the protected shoreland. The same rules have been in effect since the program began in 1981. In an attempt to bring the site specific rules up to standards with what other states are doing, several meetings have been held with over 75 stakeholders ranging from developers to contractors, water quality groups (including CLF), some designated river LACs, town and city representatives, and engineers. The major changes to the rules include: "beefing up" all of the treatment standards and adding a groundwater recharge requirement.

As it stands, the current rules discourage infiltration. But, the site specific program has been encouraging infiltration as a matter of in-house policy over the past five years. By changing the site specific rules, infiltration would not only be encouraged, but required. Another change to the site specific rules includes extending the amount of time that the LACs have to comment on applications from 15 days to 40 days.

Amy will double check the number of days the LACs have to comment.

It is not clear to the LACs or the site specific program as to when the LACs should be notified during the process. The LACs are also unsure of the jurisdiction of the site specific program. Amy has requested insight on these questions from the DES Legal Unit.

- **Michele – Motion for Michele to draft an e-mail from the RMAC to the Site Specific Rules Committee to: 1) extend the time for comments to 45 days and 2) send a copy of the plans to the LAC. Ken seconded the motion. Vote was unanimous by those in attendance.**

VI. 11:45-12:15 pm: Surplus Land Reviews (SLR) – Disposition of state owned properties

a. Letters/Coordination with Lakes Management Advisory Committee

With the passage of SB 164 and HB 540 in the 2005 Legislation Session, CORD was removed from the review of those surplus state lands which were purchased with highway or turnpike funds. The LMAC and RMAC wrote joint letters to Governor Lynch and

Commissioner Murray regarding the notification process, since in the past CORD has directly notified the Rivers Coordinator.

Jacquie spoke with Assistant Commissioner Mike Walls regarding the letters CORD sent in June and September to the Attorney General's Office. The Attorney General's Office had not yet responded.

Jacquie will continue to follow up with the Assistant Commissioner.

b. SLRs to be reviewed - NONE

c. 2006 Session: Surplus Land Review – Jared Teutsch, NH Lakes Assoc.

HB 1684 is a bill establishing a commission to study the effects of leasing state-owned waterfront property and placing a moratorium on the leasing of state-owned waterfront property. The bill is sponsored by Representative Aida Millham and Senator Johnson. The legislative committee would be comprised of 5 representatives, 1 Senator, and 1 member of the public, with two non-voting members of state agencies, the Office of Energy and Planning and the DOT. Commissioner Murray has agreed to represent DOT at the committee meetings. The committee would meet for two years, an interim report is required and a final report is due by November 1, 2007. One of the things the committee will analyze is the amount of linear feet of shore frontage, or water frontage that the state owns, since the bill is specific to public water and includes rivers as well and lakes. The committee will also determine the amount of state owned land that abuts public waters, with a focus towards the Bureau of Rail and Transit.

HB 1343 is a bill establishing a committee to study the administration and jurisdiction of the council on resources and development. The bill is sponsored by Representative Chandler. Representative Chandler is also sponsoring HB 1228 which is relative to the sale or lease of state-owned real estate.

VII. 12:15-12:20 pm – Update: Rivers/Watershed Conference Planning

The annual November Watershed Conference was not held this year. DES hopes to plan something for the spring. The National River Rally will be held at the Mount Washington hotel from May 5 through 9. The National Water Quality Monitoring Conference will be held May 7 – 9 in San Jose.

VIII. Next Meeting Date/Adjourn:

Ken - Save the Date – send memo out once meeting is scheduled.

Next meeting dates: –Monday, February 13, 2006 12:30 pm - 3:30 pm
Monday, June 20, 2006 12:30 pm - 3:30 pm
With Lunch Being Served at Both Meetings

RMAC Notebooks

Jacquie and Laura will put together notebooks for RMAC members and distribute them at the February meeting.

Future Meeting Topics –

Paul suggested that Committee members and DES staff meet to discuss potential management strategies to retain ownership of surplus land when DOT wants to dispose of land, but another agency or advisory committee would like to retain it. This meeting would focus on identifying an alternative mechanism for retaining state-owned lands and determining a set of criteria to justify why the parcel should be kept.

Paul also suggested that the RMAC may want to discuss how the site specific program interacts with the designated rivers program, specific to water quality criteria for outstanding resource waters.

Harry Stewart, Water Division Director, inquired if the RMAC would be interested in a presentation on the flood damage that occurred on Warren Brook in the Cold River Watershed. The RMAC will consider the topic for its February agenda.

Motion to Adjourn

- ***Michele - Motion to adjourn meeting, motion seconded by Allan Palmer, and vote was unanimous to adjourn meeting.***

Meeting Adjourned at 12:36 pm